

ATTORNEY/DOCKET NO: KOLB3002/JEK

DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: **METHOD FOR OPERATING A PORTABLE DATA CARRIER CONFIGURED FOR EXECUTING RELOADABLE FUNCTIONAL PROGRAMS** the specification of which (check one):

☐ is attached hereto, or ☒ was filed on: 23 June 2000

as U.S. Application Number or PCT

International Application Number: PCT/EP00/05795

and (if applicable) was amended on:

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			PRIORITY CLAIMED	
Number	Country	Day/Month/Year Filed	Yes	No
199 29 164 0	Germany	25 June 1999	X	

☐ Additional Priority Application(s) Listed on Following Page(s)**I HEREBY CLAIM THE BENEFIT UNDER TITLE 35 U.S. CODE §119(E) OF ANY U.S. PROVISIONAL APPLICATIONS LISTED BELOW.**

Application Number	Day/Month/Year Filed

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Send correspondence to:



Customer 23364

BACON & THOMAS, PLLC625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176Telephone Calls to: J. Ernest Kenney
(703) 683-0500

FULL NAME OF FIRST OR SOLE INVENTOR Alexander KOLBECK	CITIZENSHIP Germany
RESIDENCE ADDRESS Merowingerstrasse 12, D-82362 Weilheim, Germany	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 27.2.03	SIGNATURE Dieter Weiss Print Name On Behalf of Alexander Kolbeck

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Page 2

PRIOR FOREIGN APPLICATION(S) (35 USC §119)			PRIORITY CLAIMED	
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PRIOR PROVISIONAL APPLICATIONS 35 U.S. CODE §119(E)	
Application Number	Day/Month/Year Filed

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RESIDENCE ADDRESS Schildensteinsstrasse 16, D-81673 Munchen, Germany	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
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RESIDENCE ADDRESS Schildensteinstrasse 16, D-81673 Munchen, Germany Konigsstr. 48a, D-81825 München	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 26.01.03	SIGNATURE 

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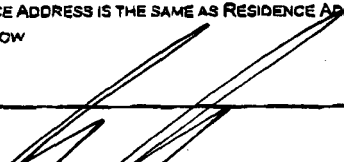
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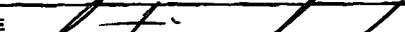
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S:\PRODUCTIONS\KOLBECK - KOLBJOONZUR LARATON WPD

Giesecke & Devrient GmbH · Postfach 80 07 29 · D-81607 München

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Giesecke & Devrient

Herrn
Alexander Kolbeck
Merowingerstr. 12

82362 Weilheim

Ihre Zeichen / Ihre Nachricht vom

Unsere Zeichen

e-mail

Durchwahl-Nr.

Datum

G&D 51 0504/bka-prd

Thomas.Branzka@gdm.de

-2143

03.04.02

Patentanmeldung Nr. 09/926,792 in den U.S.A.
Sicheres Applikationsnachladen
Nationale Phase aus PCT/EP00/05795

Sehr geehrter Herr Kolbeck,

für die im Betreff genannte Anmeldung benötigen wir eine von den Erfindern unterzeichnete Declaration sowie ein Assignment.

Wir dürfen Sie daher freundlich bitten, die als Anlage beigelegten Dokumente an der gekennzeichneten Stelle mit *vollem* Namen zu unterschreiben und an uns zurückzusenden.

Da wir noch die Unterschriften von drei weiteren Miterfindern einholen müssen und die Einreichung der Formulare in den USA fristgebunden ist, bitten wir freundlich um möglichst kurzfristige Erledigung.

Wir bedanken uns bereits jetzt für Ihre Unterstützung und stehen Ihnen für eventuelle Fragen gerne zur Verfügung.

Mit freundlichen Grüßen

Giesecke & Devrient GmbH



i. V. Niedermeier



i. A. Branzka

Anlage:
Declaration
Assignment
frankierter Rückumschlag

EXHIBIT 1

From: Giesecke & Devrient
To: A Kolbeck

Re: US patent application 09/926,792
Reliable filing of application
National phase PCT/EP00/05795

Dear Mr Kolbeck:

We need a declaration signed by the inventors as well as an assignment for the above application.

We request that the enclosed documents be signed -- **full names**, please -- at the marked places and that they be returned to us.

Because we still must secure the signatures of three more collaborators and because there is a time limit on filing the forms in the USA, we request your earliest possible action.

Thank you for your assistance. Please feel free to call for any question.

Sincerely/ Niedermeier & Branzka.

Enclosures:
declaration
assignment
stamped envelope

3 April 02

EXHIBIT 1

EINGEGANGEN

06.04.02

Deutsche Post 

Rückschein

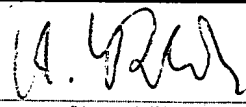
*Sendungsart und besondere Versendungsformen E		Einlieferungsnummer 06 3240 8702 7DE	Postleitzahl (Annahmestelle)	Einlieferungsdatum 4.4.02
Nachnahme DM	Pf	Empfänger der Sendung Herrn Alexander Kolbeck		
Wert DM	Straße und Hausnummer oder Postfach Merowingerstr. 12 Postleitzahl, Bestimmungsort 82362 Weilheim			
Sendung erhalten  (Unterschrift)				
Auslieferungsvermerk				
<input checked="" type="checkbox"/> Empfänger	<input type="checkbox"/> Ehegatte	<input type="checkbox"/> Postbevoll- mächtigter	<input type="checkbox"/> Postempfangs- beauftragter	Nz. Tag, Monat 15.04.02
<input type="checkbox"/> Angestellter	Familienangehöriger		sonstiger Empfangsberechtigter	

EXHIBIT 2

Giesecke & Devrient GmbH · Postfach 80 07 29 · D-81607 München
Einschreiben - Rückschein



Giesecke & Devrient

Herrn
Alexander Kolbeck
Merowingerstr. 12

82362 Weilheim

Ihre Zeichen / Ihre Nachricht vom

Unsere Zeichen

e-mail

Durchwahl-Nr.

Datum

G&D 51 0504/bka-prd

Thomas.Branzka@de.gi-de.com

-2143

24.06.02

**Patentanmeldung Nr. 09/926,792 in den U.S.A.
Sicheres Applikationsnachladen
Nationale Phase aus PCT/EP00/05795**

Sehr geehrter Herr Kolbeck,

wir nehmen Bezug auf unser Schreiben vom 03.04.2002, mit dem wir Ihnen eine Declaration und ein Assignment mit der Bitte um Unterzeichnung und Rücksendung übersandt hatten.

Leider sind bei uns bis heute keine von Ihnen unterschriebenen Dokumente eingegangen. Angesichts der in Kürze ablaufenden, nicht mehr verlängerbaren Frist zur Einreichung der Dokumente in den U.S.A. übersenden Ihnen daher nochmals Kopien der Formulare (an die Miterfinder Dr. Merck, Stocker, Weiß und Frey haben wir inzwischen separate Dokumente übersandt).


Wir möchten Sie dringend bitten, die Formulare nunmehr kurzfristig zu unterzeichnen und an uns zurückzusenden, da die Nichteinreichung den Bestand der Anmeldung in den U.S.A gefährdet.

Wir stehen Ihnen für Rückfragen gerne zur Verfügung.

Mit freundlichen Grüßen

Giesecke & Devrient GmbH


i. V. Niedermeier


i. A. Branzka

Anlage:

Declaration
Assignment

EXHIBIT 3



Vorsitzender des Aufsichtsrats: Dr. Peter Mihatsch
Geschäftsführer: Willi Berchtold (Vorsitzender), Franz Haniel, Hans Wolfgang Kunz, Hans-Christoph von Mitschke-Collande,
Jürgen Nehls, Dr. Walter Schlebusch, Dr. Peter Zattler

Eingetragen im Handelsregister München unter der Nr. B 4619

Giesecke & Devrient GmbH
Prinzregentenstraße 159 · D-81677 München

Telefon (089) 41 19-0 Telefax (089) 41 19-15 35
<http://www.gi-de.com>

From: Giesecke & Devrient
To: A Kolbeck

Re: US patent application 09/926,792
Reliable filing of application
National phase PCT/EP00/05795

Dear Mr Kolbeck:

This letter concerns ours of 3 April 02 enclosing a declaration and an assignment with request for signatures and return to us.

Unfortunately no signed documents have been received here. Considering the non-extensible time limit soon upon us for filing the documents in the USA, we are transmitting to you again copies of said forms (we sent separate documents meantime to the co-inventors Dr. Merck, Stocker, Weiss and Frey).

We urgently request having the documents signed in short order and to mail them back to us because failure to apply would jeopardize the object of the USA application.

Please contact us if you have any questions.

Sincerely/Niedermeier & Branzka

enclosures:

declaration
assignment

24 June 02

EXHIBIT 3

Deutsche Post AG

Entreprise des Postes allemandes S. A.

Rücksendung / Auszahlungsschein / Gutschriftsanzeige

Avis de réception / Avis de paiement / Avis d'inscription

Advice of delivery

CN

Vom Absender auszufüllen / A remplir par l'expéditeur

Einlieferungsfiliale / Bureau de dépôt	Datum / Date
	25.06.02

Empfänger der Sendung / Destinataire de l'envoi
Alexander Kolbeck
Herowingerstr. 12, D-82362 München

Art der Sendung / Nature de l'envoi

<input checked="" type="checkbox"/> Brief / Vorrang Lettre / Prioritaire	<input type="checkbox"/> Paket Colis
---	---

<input checked="" type="checkbox"/> Einschreiben Recommandé	<input type="checkbox"/> Wertangabe Valeur déclarée
Betrag / Montant	

06 3240 8899 4DE

Gewöhnliche Anweisung / Mandat ordinaire	Betrag / Montant
Zahikarte / de versement	Auslieferungsnachweis / Chèque d'assignation

Am Bestimmungsort auszufüllen / A compléter à destination

O.g. Sendung/Betrag wurde ordnungsgemäß / L'envoi mentionné ci-dessus a été dûment	
<input checked="" type="checkbox"/> ausgehändigt remis	<input type="checkbox"/> ausgezahlt payé
dem Postbankkonto gutgeschrieben inscrit en CCP	

Datum und Unterschrift* / Date et Signature*
25.06.02

* Dieser Schein-Anzeige kann vom Empfänger oder wenn die Vorschriften des Bestimmungslandes dies vorsehen, von einem Beauftragten oder vom Mitarbeiter des Bestimmungsamts unterschrieben werden.
* Cet avis pourra être signé par le destinataire ou, si les règlements du pays de destination le prévoient, par une autre personne autorisée au par l'agent du bureau de destination.

EINGEGANGEN Postfach
Service des postes

27.06.02	Stempel des Postamts, das den Schein zurücksendet, Timbre du bureau renvoyant l'avis
----------	---

EINGEGANGEN
Luftpost
Prioritaire Par avion
27. Juni 2002

Zurücksenden an / Renvoyer à / Return to

Name oder Firma / Nom ou raison sociale
Giesecke & Devrient GmbH

Patent- und Lizenzabteilung

Straße und Hausnummer / Rue et n°
Prinzregentenstr. 159

Ort und Land / Localité et pays
81677 München

--

© 3.97 915-005-00

EXHIBIT 4

DECLARATION OF MR. A. BRANZKA

1. My name is A. BRANZKA, I am a citizen of Germany, residing at 85598 Baldham, and I am employed as Patent Engineer in the Patent and Licensing Department of Giesecke & Devrient GmbH, (the Company) in Munich, Germany.

2. Upon request by my superiors, on April 4, 2002 I transmitted to Mr. Alexander Kolbeck, an inventor named in U.S. Patent Application No. 09/926,792, a letter dated April 3, 2002 accompanied by an assignment document and a declaration and appointment of attorney document requesting Mr. Kolbeck to sign the latter documents and to return them promptly to me. This document was sent via registered mail with a return receipt requested. A true copy of my letter to Mr. Kolbeck dated April 3, 2002 and the registered mail transmittal document receipt signed by Mr. Kolbeck on April 5, 2002 is appended hereto as Exhibits 1 and 2, respectively, with an informal translation of the letter attached.

3. On June 24, 2002, I sent a copy of my letter of April 3, 2002 to Mr. Kolbeck as a reminder via registered mail with return receipt requested, which receipt was signed by a Ms. Kolbeck, which I believe to be his wife, on June 26, 2002. A true copy of the reminder letter and receipt signed by Ms. Kolbeck are appended hereto as Exhibits 3 and 4.

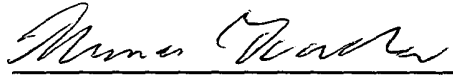
4. On June 28, 2002, I attempted to contact Mr. Kolbeck by telephone and was only able to leave a voice message on an automatic recording device. I left a voice message stating that I had tried to call Mr. Kolbeck. I received no reply from Mr. Kolbeck to this message.

5. On July 2, 2002, I telephoned Mr. Kolbeck but only reached Ms. Kolbeck, at which time I informed her of my desire to speak to Mr. Kolbeck. Later in the day Mr. Kolbeck returned my call and advised me that he intended to sign and return the documents previously sent to him for signature. Mr. Kolbeck did not express any difficulties at that time regarding signing the declaration and appointment of attorney form, or the assignment document. As a precaution, I sent a copy of my letter of June 24, 2002 again to Mr. Kolbeck. A true copy of this letter with the July 2, 2002 date stamp is appended hereto as Exhibit 5. A true copy of a set of handwritten notes I made at the time of my telephone conversation with Mr. Kolbeck reflecting my conversation with Mr. Kolbeck on July 2, 2002 is appended hereto as Exhibit 6.

6. On July 5, 2002, I again attempted to reach Mr. Kolbeck by telephone but instead only reached Ms. Kolbeck. I informed her that the documents requested of Mr. Kolbeck were not yet received and requested that Mr. Kolbeck sign and return the documents.

7. On February 24, 2003 I sent to Mr. Kolbeck a letter accompanied by a complete copy of the U.S. application documents and an assignment document and a declaration and appointment of attorney document again requesting Mr. Kolbeck to sign the latter documents and to return them promptly to me. A true copy of my letter to Mr. Kolbeck dated February 24, 2003 and the registered mail transmittal document receipt signed by Ms. Kolbeck on February 25, 2003 is appended hereto as Exhibits 7 and 8, respectively, with an informal translation of the letter attached. This was my last attempt to reach Mr. Kolbeck concerning U.S. Patent Application S.N. 09/926,792, and to my knowledge Mr. Kolbeck has never attempted to contact me since that date nor has he returned the signed declaration and power of attorney form I sent to him April 4, 2002.

I hereby declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Signed on: March 14, 2003 
Thomas Branzka

S:\Producer\jek\KOLBECK - 926792\branzka dec.wpd

Giesecke & Devrient GmbH · Postfach 80 07 29 · D-81607 München

~~Einschreiben Rückschein~~



Giesecke & Devrient

Herrn
Alexander Kolbeck
Merowingerstr. 12

82362 Weilheim

Erinnerung

Datum 02.07.02

Ihre Zeichen / Ihre Nachricht vom

Unsere Zeichen

e-mail

Durchwahl-Nr.

Datum

G&D 51 0504/bka-prd

Thomas.Branzka@de.gi-de.com

-2143

24.06.02

Patentanmeldung Nr. 09/926,792 in den U.S.A.
Sicheres Applikationsnachladen
Nationale Phase aus PCT/EP00/05795

Sehr geehrter Herr Kolbeck,

wir nehmen Bezug auf unser Schreiben vom 03.04.2002, mit dem wir Ihnen eine Declaration und ein Assignment mit der Bitte um Unterzeichnung und Rücksendung übersandt hatten.

Leider sind bei uns bis heute keine von Ihnen unterschriebenen Dokumente eingegangen. Angesichts der in Kürze ablaufenden, nicht mehr verlängerbaren Frist zur Einreichung der Dokumente in den U.S.A. übersenden Ihnen daher nochmals Kopien der Formulare (an die Miterfinder Dr. Merck, Stocker, Weiß und Frey haben wir inzwischen separate Dokumente übersandt).


Wir möchten Sie dringend bitten, die Formulare nunmehr kurzfristig zu unterzeichnen und an uns zurückzusenden, da die Nichteinreichung den Bestand der Anmeldung in den U.S.A gefährdet.

Wir stehen Ihnen für Rückfragen gerne zur Verfügung.

Mit freundlichen Grüßen

Giesecke & Devrient GmbH


i. V. Niedermeier


i. A. Branzka

Anlage:

Declaration
Assignment

EXHIBIT 5

From: Giesecke & Devrient
To: A Kolbeck

Re: US patent application 09/926,792
Reliable filing of application
National phase PCT/EP00/05795

REMINDER
date: 2 July 02

Dear Mr Kolbeck:

This letter concerns ours of 3 April 02 enclosing a declaration and an assignment with
request for signatures and return to us.

Unfortunately no signed documents have been received here. Considering the non-
extensible time limit soon upon us for filing the documents in the USA, we are transmitting to
you again copies of said forms (we sent separate documents meantime to the co-inventors Dr.
Merck, Stocker, Weiss and Frey).

We urgently request having the documents signed in short order and to mail them back
to us because failure to apply would jeopardize the object of the USA application.

Please contact us if you have any questions.

Sincerely/Niedermeier & Branzka

enclosures:

declaration
assignment

24 June 02

EXHIBIT 5

Niederschrift über Telefongespräch

Anrufer: Herr Kolbeck

Empfänger: bka

Tag und Uhrzeit: 2.7.02 12.50 Uhr

Betrifft: Unterschriften, insbesondere

Auftrag Nr.: _____

Declaration, Assignment für USA

(unter seiner
Privatnummer)

- Nach vorhergehendem Anruf bei seiner Frau
rief H. Kolbeck zurück.

- Habe ihm kurz die Situation skizziert und
insbesondere auf Punkt 1 in Anwendung durch
Erfinder in USA hingewiesen.

- H. Kolbeck versprach, die für die USA
benötigten Dokumente, speziell in der Sache
57 504 US, (aber auch allgemein) zu unterschreiben und aus-
zulkanalisieren lassen zu wollen.

2.7.02

Kr.

Weitergegeben zur Bearbeitung/Information an: _____

Bestätigt am: _____

(Unterschrift)

EXHIBIT 6

Phone Record (handwritten)

Caller: Herr Kolbeck

Person called: bKa

Date and time: 2 July 02; 12h:50

Re: Signatures, in particular declaration, assignment for USA

- after calling his wife (at his private number), Mr Kolbeck called back

- briefly explained the situation to him and in particular stressed priority (?) for application by inventor(s) in USA

- Mr Kolbeck promised [to?] sign the documents needed for the USA and in particular as regards 51 504 US and to get them to us.

2 July 02/initial

Giesecke & Devrient GmbH · Postfach 80 07 29 · 81607 München



Giesecke & Devrient

Einschreiben/Rückschein
Herrn
Alexander Kolbeck
Merowingerstraße 12
82362 Weilheim

Ihre Zeichen / Ihre Nachricht vom

Unsere Zeichen

51 0504/bks-12

e-mail

Thomas.Branzka@de.gi-de.com

Durchwahl-Nr.

-2143

Datum

24.02.2003

Patentanmeldung 09/926,792 in den USA
Sicheres Applikationsnachladen

Sehr geehrter Herr Kolbeck,

als Anlage erhalten Sie eine Kopie der in den USA eingereichten Anmeldung. Die beigelegte Declaration sowie das Assignment bitten wir unterzeichnet an uns zurückzusenden. Da wir an eine Amtsfrist (03.03.2003) gebunden sind und die Unterlagen leider von unseren amerikanischen Kollegen verspätet bei uns ankamen, möchten wir Sie bitten, uns die unterschriebene Declaration und das Assignment bis zum 27. d. M. zurückzuschicken.

Für die rasche Erledigung bedanken wir uns im voraus.

Mit freundlichen Grüßen

Giesecke & Devrient GmbH

i. V. Niedermeier
i. A. Branzka

Anlage

- Kopie der US-Anmeldung
- Declaration
- Assignment

Vorsitzender des Aufsichtsrats: Dr. Peter Mihatsch
Geschäftsführer: Willi Berchtold (Vorsitzender), Peter Eisenbacher, Franz Haniel, Hans Wolfgang Kuna,
Hans-Christoph von Mitschke-Collande, Dr. Walter Schlebusch, Dr. Peter Zatlöer

Eingetragen im Handelsregister München unter der Nr. 8 4619

Giesecke & Devrient GmbH
Prinzregentenstraße 159 · 81677 München

Telefon (089) 41 19-0 Telefax (089) 41 19-15 35
<http://www.gi-de.com>

EXHIBIT7

Translation

Registered mail/Return receipt
Mister
Alexander Kolbeck
Merowingerstraße 12

82362 Weilheim

24.02.2003

Patent Application 09/926,792 in the U.S.A.
Sicheres Applikationsnachladen

Dear Mr. Kolbeck,

Enclosed herewith is a copy of the application filed in the U.S.A. Please sign and return to us the enclosed Declaration and the Assignment. Since we have to observe an official term (March 3, 2003) and since we received belated the documents from our American colleagues, we ask you to return to us the signed Declaration and the Assignment by **27th of this month**.

Thank you in advance for your early execution.

Very truly yours,

Giesecke & Devrient GmbH

i. V. Niedermeier

i. A. Branzka

Encl.

- copy of US-Application
- Declaration
- Assignment

EXHIBIT 7

Sendungsnummer/Identcode 06 3240 8431 2DE		Postleitzahl Annahme-/Übernahmestelle	Einlieferungsdatum 24.02.03
Empfänger der Sendung Name/Vorname/Firma Koelbeck Alexander		Sendungsart <input checked="" type="checkbox"/> Brief <input type="checkbox"/> Postkarte <input type="checkbox"/> Blindensendung <input type="checkbox"/> Paket <input type="checkbox"/> Express-Sendung	Zusatzleistung(en)/Extra(s) <input checked="" type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> NACHNAHME EÜR NACHNAHME Betrag
Straße und Hausnummer oder Postfach Heideparkweg 12		Postleitzahl, Ort 82362 Weilheim	
Ausgeliefert an <input type="checkbox"/> Empfänger <input checked="" type="checkbox"/> Ehepartner <input type="checkbox"/> Empfangsberechtigter <input type="checkbox"/> Anderer Empfangsberechtigter (Ersatzempfänger gemäß AGB BRIEF NATIONAL bzw. AGB PAKETEXPRESS NATIONAL)			
Auslieferungsvermerk Ich habe die Sendung dem Empfangsberechtigten übergeben. Datum 25.02.03 Postmitarbeiter/Zusteller Unterschrift <i>[Signature]</i>			
Empfangsbestätigung Name und Vorname (in GRÖSSEBUCHSTABEN) KOELBECK ALEXANDER			
Ich bestätige, die Sendung am heutigen Tag erhalten zu haben. Datum 25.02.03		Empfangsberechtigter Unterschrift <i>[Signature]</i>	
		EINGEGANGEN 26.02.03	